

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NORMA FIORENTINO, <i>et al.</i> ,)	CASE NO. 3:09-CV-02284 (JEJ)
)	
Plaintiffs,)	District Judge John E. Jones III
)	
v.)	
CABOT OIL AND GAS)	
CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	

PLAINTIFFS' NOTICE OF MOTION TO DISQUALIFY

Pursuant to Rule 1.7(b) of the Rules of Professional Conduct, plaintiffs submit this motion to disqualify Fulbright & Jaworski LLP from acting as counsel for either defendants Cabot and Oil Gas Corp. and Gas Search Drilling Services Corp. (collectively referred herein as "Cabot") and Deborah Maye. The facts and evidence not of record are set forth in the Declaration of Tate Kunkle that is contemporaneously filed with this Notice and the arguments in support of plaintiffs' motion are set forth in Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion to Disqualify that is also contemporaneously filed.

1. The plaintiffs' proposed form of order is attached hereto as Exhibit 1.
2. The parties hereto have met and conferred in an attempt to resolve the present dispute, including with the assistance of the Special Master, but have been unable to reach any resolution of respective opposing interpretations of the law.

3. As a result of the inability to resolve the dispute during a call with Special Master Walsh, plaintiffs' were permitted to file this motion.

4. Plaintiffs request that the court enter plaintiffs' proposed order because Ms. Barrette and the Fulbright & Jaworski, LLP law firm have an unwaivable conflict of interest with Mrs. Maye.

5. The necessity of the motion and its requested relief is unfortunately necessary and proper under Rule 1.7 of the Pennsylvania Rules of Professional Conduct because the joint and simultaneous representation of Mrs. Maye and Cabot presents an unwaivable conflict of interest.

6. The underlying claims stem from contamination of a community's water supply by Cabot during its natural gas well drilling activities. Mrs. Maye owns and lives on one of the properties that the Pennsylvania Department of Environmental Protection ("PADEP") has determined suffered water contamination by Cabot. Although not a plaintiff in the above-captioned litigation, the PADEP has required that Cabot provide Mrs. Maye and her family with potable temporary water and Mr. and Mrs. Maye were included and specifically named as beneficiaries in and of the December 15, 2010 Consent Order and Settlement Agreement between Cabot and the PADEP.

7. Indeed, alone of any of the persons whom Cabot was previously directed to deliver temporary potable water, the Mayes still receive deliveries of

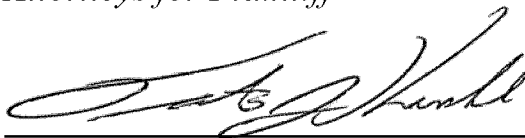
water from Cabot. It is not possible for counsel for Cabot to ethically and adequately represent both Cabot and a person who has been damaged by Cabot.

8. As set forth in plaintiffs' memorandum of law, plaintiffs have demonstrated good cause for the entry of such an order in the form proposed by plaintiffs, precluding Fulbright & Jaworski's representation of the defendants and Mrs. Maye.

WHEREFORE, plaintiffs respectfully request that this Court grant their Motion to Disqualify and enter an order in the form attached hereto as Exhibit 1.

Date: December 30, 2011

NAPOLI BERN RIPKA SHKOLNIK &
ASSOCIATES, LLP
Attorneys for Plaintiff

A handwritten signature in black ink, appearing to read "W. Steven Berman", is written over a horizontal line.

W. Steven Berman, Esq. (PA#45927)
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Defendants.)	

CERTIFICATION OF SERVICE

I hereby certify that on December 30, 2011, I electronically filed the foregoing PLAINTIFFS' NOTICE OF MOTION TO DISQUALIFY with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all registered users. I further certify that a copy of PLAINTIFFS' NOTICE OF MOTION TO DISQUALIFY was sent to the following via electronic mail:

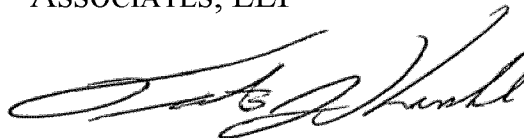
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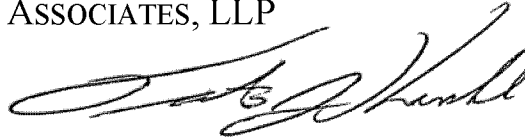
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CERTIFICATE OF NON-CONCURRENCE

I hereby certify that I have sought concurrence in this motion from
defendants and that concurrence has been denied.

NAPOLI BERN RIPKA SHKOLNIK &
ASSOCIATES, LLP



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